

**REMARKS**

Claims 1, 3, 4, 6-39, 41-65, 67-73, 83-90, 92 and 93-113 are pending in this application<sup>1</sup>. Claims 1-14 and 24-35 have been withdrawn from consideration, claims 36-39, 41, 42, 48-57, 60, 62-65, 67, 68, 73, 87-90, 92 and 93 are allowed, claims 19 and 20 have been objected to only as depending upon rejected claims, and claims 15-18, 21-23, 43-47, 58, 59, 61, 69-72 and 83-86 have been rejected. Claims 2 and 5 have been cancelled, claims 94-113 are newly-presented, and claims 12, 13, 15, 16, 43-45, 57-59, 69-71, 83, 85, 87 and 91 have been amended.<sup>2</sup> Claims 11 (withdrawn), 15 (allowed), 24 (withdrawn), 36, 57, 58, 62, 87, 92, 94, 95 and 97 are independent.

The Examiner is thanked for the allowance of claims 36-39, 41, 42, 48-57, 60, 62-65, 67, 68, 73, and 87-93, and the indicated allowability of claims 19 and 20.

It should be noted that, in view of the Examiner's allowance of various independent claims, and to simplify the issues before the Examiner, a number of other independent claims have been changed to depend from those allowed claims.

Support for the foregoing claim changes and new claims can be found throughout the application as filed. For example, with regard to the revisions to claims 15 and 58, such support is present at page 12, and in Figs. 7(a-c) of this application.

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<sup>1</sup> The Office Action erroneously stated claims 83-93 are pending; claim 91 has been cancelled.

<sup>2</sup> This Amendment has been prepared utilizing the format prescribed in the Office of Patent Legal Administration - Pre-OG Notice entitled "Amendments in a Revised Format Now Permitted", signed by the Deputy Commissioner for Patent Examination Policy on January 31, 2003 and available on the U.S. Patent and Trademark Office Website.

**The Rejection Under  
35 U.S.C. § 112, § 2**

Claims 44, 70, 83 and 85 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicants' invention. In particular, the Examiner noted several features lacked antecedent bases, and questioned how could plural recesses engage a single projecting member.

As amended, claims 44, 70, 71 and 83 no longer include the claim language said to warrant their rejection.

With regard to claim 85, that claim does use the term "the engaging recesses". Claim 85 ultimately depends from claim 62, which provides for "a plurality of engaging recesses". Accordingly, there is antecedent support for this claim feature.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

**The Rejections Under  
35 U.S.C. § 102**

Claims 15-18, 21-23, 43-47, 58, 59, 61, 69-72 and 83-86 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,250,750 to Miyazawa et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

First, it should be noted that rejected claims 43-45, 47 and 83 depend from allowed claim 36, which patentably distinguishes over the art of record. These claims are therefore patentable over Miyazawa at least for the same reasons as claim 36.

Claims 68-71 and 85 likewise depend from allowed claim 62, which also patentably distinguishes over the art of record. These claims are therefore patentable over Miyazawa at least for the same reasons as claim 62.

As set out in claim 15, this invention involves an ink cartridge for an ink jet printer, and has a housing with walls and an opening, the housing containing ink, a top wall of the housing being constituted by a lid covering the opening of the housing, at least one ink chamber defined by the housing and lid, an ink supply port formed on one of the walls of the housing, and at least one recess forming a space in an outer surface of the lid when the ink cartridge is packed under a vacuum condition, the pressure within the space being lower than the atmospheric pressure when the ink cartridge is packed. A seal member is adhered to the outer surface of the lid, and so the recess is isolated from the interior of the ink cartridge and exposed to the exterior of the ink cartridge when the seal member is adhered to the lid's outer surface.

Applicants' invention, as set forth in claim 58, also involves an ink jet printer with a carriage, a print head including nozzles through which ink is ejected that is mounted on the carriage, and an ink cartridge that is mounted on the carriage. The ink cartridge includes a housing having walls and an opening, a top wall of the housing being constituted by a lid covering the housing's opening, at least one ink chamber defined by the housing and lid, an ink supply port formed on one of the housing's walls, at least one recess forming a space in an outer surface of the lid, the pressure within the space being lower than the atmospheric pressure when the ink cartridge is packed, and a seal member adhered to the outer surface of the lid. The recess is isolated from the interior of the ink cartridge and exposed to an exterior of the ink cartridge when the seal member is adhered to the lid's outer surface.

Nowhere does Miyazawa disclose, or even suggest, that the lid of the ink cartridge have a recess, much less that such a recess be covered with a sealing member in a manner that allows the recess to communicate with its surroundings, as is specified in claims 15 and 57. In this regard, Applicants respectfully submit that those skilled in the art will understand that the recess 31 seen in Fig. 1 of Miyazawa, which the Examiner asserts corresponds to the claimed recess, would be covered completely by a sealing member if the sealing member is adhered to the outer surface of the lid. This complete coverage means the recess 31 shown in Fig. 1 of Miyazawa would not, when the ink cartridge is packed, provide the benefits of the claimed recess such as helping to control unwanted bubbling.

For all the foregoing reasons, favorable consideration and withdrawal of this rejection are respectfully requested.

#### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the document listed on the enclosed Form PTO/SB/08a.

It should be noted that the cited item is a Second Office Action in Chinese Patent Appln. No. 99108016.5, which is a counterpart to the instant case. Both of the references applied in that Office Action, GB 2315045 and GB 2314809, already are of record in this application, and so have not been cited again. Applicants have provided the Examiner with the Office Action because it may be of interest to the Examiner to see how this art was treated in counterpart cases.

The Examiner is respectfully requested to confirm that this document has been considered by returning to Applicants' undersigned attorney a copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08a).

Since this Supplemental Information Disclosure Statement is being cited in accordance with 37 C.F.R. § 1.97(c), the requisite Certification under 37 C.F.R. § 1.97(e) follows.

**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

The Commissioner is authorized to charge any fee which may be required for the filing of this Information Disclosure Statement, as well as any other fee which may now or hereafter be due, to Deposit Account No. 19-4709.

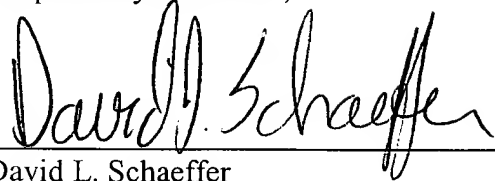
**CONCLUSION**

Applicants have made a diligent effort to place this application in condition for allowance and submit that the claims are in condition for allowance. If for any reason, however, the Examiner should deem that this application is not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below to resolve any outstanding issues prior to issuing a further Office Action.

The Commissioner is authorized to charge any fee now or hereafter due in connection with the prosecution of this application to Deposit Account No. 19-4709.

Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "David L. Schaeffer", written over a horizontal line.

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